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# STATE OF HAWAII

## Preliminary State Plan

As required by Public Law 107-252,  
Help America Vote Act 2002, Section 253 (b)

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## **INTRODUCTION BY THE CHIEF ELECTION OFFICER**

We are pleased to offer the Hawaii Preliminary State Plan. Section 253(b) of the Help America Vote Act of 2002 (HAVA) requires each State to develop a long-range plan for implementing this Act. HAVA also requires the State and the various counties to work together to significantly reform the election process.

On behalf of Hawaii's elections community, we are proud to say that we began election reform before the enactment of HAVA. With the appropriate federal financial funding, the State of Hawaii will have the opportunity to build upon our strong foundation of election reform and accomplishments.

The Preliminary State Plan establishes a framework for continuing progress in election reform, the continuing improvement of our election services, and achieving compliance with HAVA.

Although HAVA increases responsibility for election administrations at the State level in order to establish consistency across jurisdictions, the county clerks in the State of Hawaii (responsible for voter registration and absentee voting) are integrally involved in the administration of all regularly scheduled elections. It is with this in mind, that the Office of Elections continues to work closely with the various county clerks and their communities to assure that our election services are uniform and nondiscriminatory.

We will update and refine the State Plan to reflect election reform progress and needs which may arise from the citizenry. We welcome the challenges of HAVA and the financial support from the federal government in our continuing efforts to provide secure, accessible, and convenient election services to all citizens statewide.

Dwayne D. Yoshina  
Chief Election Officer



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## **I. INTRODUCTION**

President Bush signed the Help America Vote Act (HAVA) into law on October 29, 2002. HAVA requires each State to develop a comprehensive plan for implementing mandates aimed at improving the conduct of elections.

Each plan must address the following:

- Provide for ADA voters the opportunity to vote independently through the use of at least one (1) Direct Recording Electronic (DRE) voting system in each polling place.
- Implement a system of provisional voting.
- Provide a complaints process where voters are entitled to a public hearing after filing a valid notarized complaint.
- Establish a statewide voter registration system.
- Establish a toll free number for voters to call to receive pertinent voting information.

The following State Plan for the State of Hawaii, was developed in accordance with Section 254 of HAVA and under the direction of the Chief Election Officer. Hawaii's plan establishes a framework for the State to continue progress that has already been made in election reform and to achieve compliance with HAVA.

Because HAVA will have a profound impact on all aspects of the voting process in our State, we anticipate that this plan will require updating and refining over the upcoming years to address changes and developing requirements.

## **II. BACKDROP FOR HAWAII'S STATE PLAN**

The mission of the Office of Elections is to provide secure, accessible, and convenient election services to all citizens statewide through:

- Conducting efficient and honest elections;
- Protecting voter's rights (the franchise);
- Encouraging participation in the electoral process; and
- Promoting elections.



Pursuant to Hawaii Revised Statutes, the Chief Election Officer is responsible for the supervision of all state elections. The State of Hawaii has had and continues to have a statewide, uniform, and standardized election system, something HAVA mandates each State to have. All services are provided in a uniform and nondiscriminatory manner.

The State of Hawaii uses an optical scan voting and vote counting system, statewide. This includes the use of precinct counters in every polling place as well as at the absentee walk sites (early voting sites). The processing and tabulation of the absentee mail ballots are accomplished using central counters in four county counting centers. The consolidation and distribution of election results are carried out at the county counting center for county results and state central counting center for statewide results.

#### **A. Overview**

The State of Hawaii consists of an archipelago of islands stretching approximately 2,000 miles. There are four (4) counties within the State: the City & County of Honolulu, the County of Hawaii, the County of Maui, and the County of Kauai. The population within each county (based on the *2001 State of Hawaii Data Book* Table 1.06) is as follows:

<u>County</u>	<u>Population</u>
City & County of Honolulu	881,295
County of Hawaii	152,083
County of Maui	131,797
County of Kauai	59,223

The County of Maui includes the County of Kalawao (Kalaupapa Settlement). The County of Kalawao had 144 inhabitants in 1980, 130 in 1990, and 74 in 2002.

#### **B. Election Contests**

The following election contests are concurrently held state (including federal election contests) and county elections. These elections are held in even numbered years.

##### **Federal Contests:**

U.S. President (1 seat)  
U.S. Vice President (1 seat)  
U.S. Senators (2 seats)  
U.S. Representatives (2 seats)



### **State Contests:**

Governor (1 seat)  
Lieutenant Governor (1 seat)  
State Senators (25 seats)  
State Representatives (51 seats)  
Board of Education members (13 seats)\*  
Office of Hawaiian Affairs Trustees (9 seats)\*

### **City and County of Honolulu Contests:**

Mayor (1 seat)\*  
Prosecuting Attorney (1 seat)\*  
Councilmembers (9 seats)\*

### **County of Hawaii Contests:**

Mayor (1 seat)\*  
Prosecuting Attorney (1 seat)\*  
Councilmembers (9 seats)\*

### **County of Maui Contests:**

Mayor (1 seat)\*  
Councilmembers (9 seats)\*

### **County of Kauai Contests:**

Mayor (1 seat)\*  
Prosecuting Attorney (1 seat)\*  
Councilmembers (7 seats)\*

### **\* Nonpartisan Contests**

Ballot measures (questions) include amendments to the State Constitution, amendments to the City and County Charters, the City and County initiative questions, and the City and County referendum questions.

## **C. Voter Registration**

Voter Registration by county from 1992 to 2002 were (numbers based on General Elections):



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	1992	1994	1996	1998	2000 <sup>1</sup>	2002
Honolulu	328,463	349,457	386,546	423,875	444,945	470,327
Hawaii	62,023	63,677	71,270	77,726	84,421	89,478
Maui	47,238	48,036	57,091	66,740	73,331	79,045
Kauai	26,771	27,719	30,009	33,063	34,652	37,392
Statewide	464,495	488,889	544,916	601,404	637,349	676,242

**D. Voter Turnout**

Voter turnout numbers by county from 1992 to 2002 were (numbers based on General Elections):

TOTAL TURNOUT	1992	1994	1996	1998	2000	2002
Honolulu	272,081	269,121	261,781	291,114	257,795	270,071
Hawaii	52,529	48,907	50,464	53,658	51,368	50,368
Maui	38,408	36,589	36,169	43,382	39,665	41,554
Kauai	19,864	22,394	21,816	24,366	22,205	23,464
Statewide	382,882	377,011	370,230	412,520	371,033	385,457

PRECINCT TURNOUT	1992	1994	1996	1998	2000	2002
Honolulu	245,464	233,995	225,221	246,048	208,195	194,415
Hawaii	45,444	40,188	39,555	41,978	40,241	35,511
Maui	34,456	31,291	31,746	36,557	33,193	29,956
Kauai	16,979	17,694	17,176	17,592	16,334	15,526
Statewide	342,343	323,168	313,698	342,175	297,963	275,408

ABSENTEE TURNOUT	1992	1994	1996	1998	2000	2002
Honolulu	26,617	35,126	36,560	45,066	49,600	75,656
Hawaii	7,085	8,719	10,909	11,680	11,127	14,857
Maui	3,952	5,298	4,423	6,825	6,472	11,598
Kauai	2,885	4,700	4,640	6,774	5,871	7,938
Statewide	40,539	53,843	56,532	70,345	73,070	110,049

<sup>1</sup> Since the 2000 Election the State of Hawaii has included the National Voter Registration Act's (NVRA) section 8(d)(2) voters in its registration counts.





#### **E. Precincts**

In 2002, there were 351 precincts statewide. In 2004, there is estimated to be approximately 356 precincts statewide. The breakdown by county is as follows:

<u>County</u>	<u>2002</u>	<u>2004</u>
City & County of Honolulu	219	221
County of Hawaii	67	69
County of Maui	44	45
County of Kauai	21	21

The number of registered voters assigned to a precinct in 2002 ranged from 74 to 4,850.

#### **F. Vote Counting**

The State of Hawaii has had and continues to have a uniform, standard, and statewide election system, something HAVA mandates each State to have.

The State of Hawaii uses an optical scan voting and vote counting system, statewide. This includes the use of precinct counters in every polling place and at absentee walk sites (early voting sites) as well as the use of central counters at county counting centers to process absentee mail ballots.

Counting Centers are established in each of the four counties to process, tabulate, and disseminate election results on election nights in an accurate and timely manner, statewide.

#### **G. Absentee Walk-In Voting Sites (Early Voting)**

In 2002, there were 12 absentee walk-in voting (early voting) sites statewide.

<u>County</u>	<u>AB Sites</u>
City & County of Honolulu	4
County of Hawaii	5
County of Maui	2
County of Kauai	1



## **H. Precinct Officials**

Statewide training of approximately 3,500 precinct officials begins in July and continues through November of an election year. The State, with the cooperation of county election staff, conducts all training sessions. Currently, approximately 100 separate training sessions are conducted within the five (5) month period.

Hawaii's State Plan as presented herein is limited to the extent state appropriations are made available and based on the assumption that adequate federal funding will be appropriated. The State intends to fully comply with HAVA, however, if adequate federal funding is not made available, the manner in which the funds are disbursed or dedicated may be altered from the information contained in this State Plan.

## **III. STATE PLAN REQUIRED ELEMENTS (HAVA §254)**

From start to finish, Hawaii's election system is built around the standards of accuracy, transparency, professionalism, security, accountability, integrity, and replicability. These standards serve as the bases for the development and implementation of the state plan.

### **A. Title III Requirements and Other Activities**

*Section 254(a)(1) requires a description of how the State will use the requirements payment to meet the requirements of Title III, and if applicable under section 251(b)(2), to carry out other activities to improve the administration of elections. Title III requires the establishment of certain voting system standards, provisional voting, public posting of voting information, a computerized statewide voter registration list, and voter registration application modifications.*

#### **1. §301(a), Voting System Standards Requirements**

*Section 301(a) establishes several voting system standards which must be met by January 1, 2006. Under this section, no waiver of the requirements is permitted.*

HAVA requires each voting system to:

- Permit voters to verify whom they have voted for and make changes to their vote in a private, secret, and independent manner;



- Notify voters if they have overvoted, what happens in instances of an overvote, and provide the opportunity to correct the ballot;
- Ensure that any notification to the voter maintains the privacy, secrecy, and independence of the voter's ballot;
- Produce a permanent paper record with manual audit capacity;
- Be accessible for the disabled through the use of at least one (1) Direct Recording Electronic (DRE) voting system placed at each polling place;
- Provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965;
- Comply with error rates in effect by the Federal Elections Commission (FEC); and
- Have a definition of what constitutes a vote and what will be counted.

The State currently uses a single, uniform, statewide voting system in each of its counties. Presently, there are Election Systems & Software (ES&S) Model 100 precinct counters in every polling place as well as all early voting sites. In addition, the State uses the ES&S Model 550 central counter to process, count, and tabulate results from its absentee mail ballots.

Since the early 1970's the State has had uniform and standard procedures statewide. Pursuant to the Hawaii Revised Statutes the State is responsible for the operations of the polling places and counting centers. The State, and the various counties, collegially develops and implements these procedures statewide. These procedures address all operational areas of elections.

In 1998 the State migrated from DATAVOTE to an optical scan vote and vote counting system. The present system allows a voter to view and correct errors prior to casting a ballot. The system notifies a voter of overvotes, completely blank ballot, and multiparty votes (Hawaii conducts single party primary elections).



For the 2004 and all subsequent elections, the State plans to place at least one DRE machine in each polling place. The State intends to meet HAVA requirements, "so that any voter may have the opportunity to vote independently." This DRE will meet the requirements of voting system accessibility, language accessibility, and confirmation of votes by voters, enunciated in HAVA. Each DRE shall be equipped with an audio feature to allow the visually impaired the opportunity to vote independently.

Also, the State plans to install modems in each precinct counter to aid in the administration of elections. Installing modems in each precinct counter will allow the results to be electronically transmitted into each counting center, rather than being driven to the counting center by a delivery/collection team. It is anticipated that such actions should aid in the efficiency and security of our administration of elections.

Additionally, the State of Hawaii will conduct voter education to educate individuals on how to vote on the new voting system.

Requirements payment will also be used for maintaining, modifying, and improving the voting and vote counting system in the State of Hawaii to ensure compliance with HAVA Section 301(a) standards.

## **2. Provisional Voting and Voting Information Requirements**

*Section 302 requires the establishment of provisional voting and the posting of voting information at polling places by January 1, 2004. Under this section, no waiver is permitted.*

HAVA identifies voters who may vote using a provisional ballot. They are as follows: 1) a voter who declares that he or she is a registered voter in the jurisdiction in which that person decided to vote and is eligible to vote in an election for Federal office, but whose name does not appear on the official list of eligible voters at the polling place; and a voter who the election official assert is not eligible to vote; a voter who registered by mail and is a first-time voter in the jurisdiction who appears at the polling place without proper identification; and 2) a voter who votes in an election for federal office pursuant to a federal or state court order or any other order extending the time established for closing the polls.

While, there is no state law that permits provisional voting, the State has, for many years, used Control Centers and Voter Assistance Officials (statewide) to ensure that registered voters



who appear at the polling place but are not in the register of voters may resolve their voter registration problems. Voter Assistance Officials are provided telephones and assigned an operator at Control Center who searches the statewide voter registration database and related documents to determine if an individual is registered to vote. Any voter who is not found in the statewide voter registration system may at their discretion cast a "Challenged" ballot. Determination reached in this process may be appealed to a Board of Registration and ultimately the Hawaii Supreme Court.

The State of Hawaii will comply with the requirements of HAVA as outlined in Section 302. Voters will be notified by polling officials that they may vote a provisional ballot. Voters will complete an affidavit in which the individuals affirm under penalty of perjury that they are registered in the jurisdiction in which the individual desires to vote and is eligible to vote in that election.

Voters will be provided "free access" to learn if their ballots have been counted. In addition, any voter whose ballot is not counted will be provided a reason for that action. All responses to provisional voters will be confidential.

In addition to provisional voting requirements, Section 302 of HAVA mandates that a sample ballot and other voting information be posted at the polling place on Election Day. The State, in consultation with the County Clerks, will design the materials to be posted. Requirements payment will be used to develop, print, and post this information.

### **3. Computerized Statewide Voter Registration List and Requirements for Voters Who Register by Mail**

*Section 303 requires the establishment of a computerized statewide voter registration list, first time voters who register by mail to provide identification when they cast their ballots, and changes to be made to the voter registration application by January 1, 2004. A waiver is permitted to extend compliance with Section 303(a) to January 1, 2006.*

Presently, the guidelines for voter registration (process, context and parameters) are set forth in Hawaii Revised Statutes (HRS). All counties must comply with the state laws, given there are no county ordinances governing this activity. Procedures and policies are set cooperatively and collegially between the state and the counties.



The State of Hawaii's existing voter registration system is a "single, uniform, centralized, interactive, and uniform computerized statewide voter register" as required by HAVA. The present system is integrated with the statewide driver license database and the City & County of Honolulu property records. If Hawaii's neighbor island (Maui, Hawaii, Kauai) property databases are reintegrated with the City & County of Honolulu's real property system, the possibility also exists for simultaneous integration with the voter registration system as well.

The existing system features instantaneous real time updates to the master voter registration file with crosschecking against all driver license and property records. The crosscheck feature has been in existence for over eighteen years. In a separate effort, Hawaii's statewide driver license database is also presently being enhanced to allow online checks against the Social Security Administration. The State of Hawaii seeks to improve upon the current voter registration system through either enhancements to the existing system or migrating to another voter registration system while maintaining existing functionality.

Currently, Hawaii's voter registration records (source documents) are maintained at the local jurisdiction level under the custody of the County Clerks. In a unique arrangement, the largest county (City & County of Honolulu) maintains the statewide voter registration system and also maintains the statewide drivers license database on behalf of the four counties and State. The State of Hawaii believes its existing system satisfies the requirements of HAVA and desires to continue this system administration arrangement while retaining the legal oversight of the statewide voter registration database. This arrangement optimizes database integration with these and other statewide systems. However, as a condition of federal funding, the State will continue to require online and electronic access to voter registration data generated by each of the counties for administering its combined Federal, State, and County Elections.

Hawaii's mail-in voter registration form also requires redesign to accommodate new information required by HAVA. The form will also be redesigned in anticipation that imaging and intelligent character recognition technology can be incorporated into the voter registration system to further enhance the administration of elections.



#### **4. Minimum Requirements**

The State understands that the requirements in HAVA Title III are minimum requirements and that the State may establish election technology and administration requirements that are more stringent. Any more stringent requirement that the State imposes will comply with all Title III requirements, as well as the laws described in HAVA Section 906.

#### **5. Methods of Implementation Left to the Discretion of the State of Hawaii**

The State chose various means to comply with the requirements of HAVA, Title III. Specific details on the implementation methodology chosen can be found in Section 1 through 3 of this State Plan.

#### **6. Adoption of Voluntary Guidance by Commission**

Once the federal Election Assistance Commission (EAC) has issued its voluntary recommendations with respect to Title III, the State will consider that guidance in updating the State Plan. The State will incorporate those recommendations deemed appropriate into subsequent versions of the State Plan.

#### **7. Process for Adoption**

The State will stay aware of the progress of the EAC on developing the Title III recommendations. If appropriate, the State will provide feedback during the public comment period after the recommendations are published in the Federal Register and participate in public hearings regarding the recommendations.

#### **8. Other Activities to Improve the Administration of Elections (Section 251(b)(2))**

##### **a) Development of Staff**

Staff at the Office of Elections does not readily have access to continuing professional education and contact with other election administrators on the mainland. The State of Hawaii would be well served by encouraging their professional development through continuing professional education.





Requirements payments will be used to support training and professional certification.

**b) Section 261 Payments to States and Units of Local Government to Assure access for individuals with Disabilities**

The Office of Elections with assistance from the Disability and Communications Access Board (DCAB), has applied for a grant pursuant to Section 261 of HAVA. The plan calls for the following:

- Ensure that all polling places are accessible.
- Provide statewide training to voters with full range of disabilities, utilizing trainers with disabilities, to embrace privacy and independence in the voting process.
- Develop and implement training curricula and educational materials for election officials, precinct officials, and election volunteers.
- Provide individuals with the full range of disabilities with information about the accessibility of the polling places.

It is proposed that requirements payments will be used to provide a project coordinator for program development, implementation, and statewide coordination of this project.

Requirements payments will also be used for equipment, materials, and supplies to assure accessibility to the polling place for individuals with disabilities.

(See attachment B)

**B. Distribution of Requirements Payments & Eligibility for Distribution**

*Section 254(a)(2) of the act requires a description of how the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in Section 254(a)(1), including a description of:*





- (A) *the criteria to be used to determine the eligibility of such units or entities for receiving payment; and*
- (B) *the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under Section 254(a)(8).*

The Office of Elections will manage activities funded by requirements payments and will monitor the performance of each initiative funded. The Office will be accountable for all expenditures, funding levels, program controls, and outcomes.

The State will follow applicable Hawaii and procurement laws regarding the distribution of the federal requirements payments.

### **C. Voter Education, Election Official and Poll Worker Training**

*Section 254(a)(3) of the Act requires a description of how the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.*

The State of Hawaii has always believed that voter education is essential to the development and fostering of a healthy and robust democracy. However, over the past ten years the legislature has reduced the Office's voter education budget. The impacts of these reductions are beginning to manifest themselves in increases of voter registration questions that arise on election day. For example, more and more voters are showing up at the wrong polling place or not keeping their voter registration current. This leads to voter inconveniences, longer lines, and voter frustration at the polling places.

The Office of Elections intends to improve on its existing voter education program. Currently, the voter education program consists of passive information in the form of FACTSHEETS (hard copy and electronically on the website), brochures, public demonstrations/presentations, and public service announcements (PSA) provide to voters. The goal of the voter education program is to provide voters with the information they need to register to vote, vote with confidence, and cast a vote that accurately reflects their intentions. At minimum, a voter education program should include components that inform citizens:

- How to register to vote and confirm their registration status;



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- Where and when to vote;
- How to cast a valid ballot; and
- Their rights as voters.

Traditionally, voter education referred to providing voters with substantive information about the candidates and the issues, in the form of flyers and brochures. Voters need this information, but they also need information on the process of registration and voting. Information given at the polls represents the very last step in an education process that begins with civic education in the schools.

First citizens need to know the mechanics of the process, starting with registration. Registration is a prerequisite to voting and voters have the responsibility of keeping their registration current. Voters also need to know that it is their responsibility to confirm their registration and what to do if they discover they are not properly registered. In turn, it is the responsibility of the election administrators to let voters know where and when to vote. This would be accomplished through an outreach program targeted at ethnic groups, political parties, organizations, and other groups identified as need outreach.

Voters must also understand their rights in the polling place. All voters minimally should know the following:

- Not to be intimidated or denied the right to vote, and how to proceed if their rights have been violated.
- How they are able to correct a mistake.
- That special assistance, ranging from translated voting instructions, instructions in alternative formats and a translator or assistant of their choice are available on request.
- An expectation that all votes will be counted in the same manner as other votes across the state.

The Office of Elections will embark on a more active outreach program, but still retain the FACTSHEETS and brochures. The Office of Elections will use the following groups to educate the voters:

- Civic and advocacy groups, community organizations, political parties, candidates, and the media; and



- State and county election officials.

Requirements payment will be used for the purposes of materials development and outreach activities.

#### **D. Voting System Guidelines and Process**

*Section 254(a)(4) requires a description of how the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.*

Section 301 requires each voting system to:

- Permit voters to verify whom they voted for and make changes to their vote in a private, secret, and independent matter;
- Notify voters if they have overvoted, what happens in instances of an overvote, and provide for the opportunity to correct the ballot;
- Ensure that any notification to the voter maintains the privacy, secrecy and independence of the voter's ballot;
- Produce a permanent paper record with manual audit capacity;
- Be accessible for the disabled through the use of at least one (1) DRE voting system placed at each polling place;
- Provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965;
- Comply with error rates in effect by the FEC; and
- Have a definition of what constitutes a vote and what will be counted.

Although the Hawaii Revised Statutes does not require the State of Hawaii to certify its voting and vote counting systems, the state uses the Federal Elections Commission (FEC) guidelines as its system standards. Any voting and vote counting system must meet these standards as well as the Hawaii specific requirements in order to qualify for selection.



## **E. Hawaii's HAVA Fund Management**

*How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management. -- HAVA §254 (a) (5)*

Working with the legislature, the State of Hawaii will establish a new program for election reform that is kept separate and distinct from all other programs within the agency. This program will contain both federal and general funds. The federal fund portion will be used to maintain federal fund receipts and to expend federal funds. The general fund portion will be used to budget and expend general funds representing the 5% match required under HAVA.

The Office of Elections will work with the Department of Accounting and General Services and Department of Budget and Finance to follow and enforce all mandated fiscal controls and policies.

Unspent federal funds will be set aside in the state Election Fund for payment of long-term costs of complying with HAVA

## **F. Hawaii's HAVA Budget**

*The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on— (A) the costs of the activities required to be carried out to meet the requirements of Title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment, which will be used to carry out other activities. -- HAVA §254 (a)(6)*

At the time of writing this plan, HAVA appropriations were significantly less than amounts authorized. The following table outlines the assumptions regarding federal funding that the State used in creating its budget for HAVA activities.

(See Attachment C)

## **G. Maintenance of Effort**

*How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level*



*that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000. -- HAVA §254 (a)(7)*

Consistent with HAVA §254(a)(7), in using any requirements payment, Hawaii will maintain expenditures of the State for activities funded by the payment at a level equal to or greater than the level of such expenditures in State FY 2000 -- a total of \$2,299,552.

#### **H. HAVA Performance Goals and Measures**

*How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met. -- HAVA §254 (a)(8)*

The State, in collaboration with various counties, will establish performance goals and will institute a process to measure progress toward the achievement of these goals. This process will provide the various counties with the structure and continued measurable targets for accomplishment.

As detailed in Section K of this document, the State will establish an Election Reform Program Management Office (PMO) to oversee continuous management of the State Plan. This PMO, in coordination with the State and various counties personnel, will be responsible for developing and monitoring a uniform performance evaluation process. In measuring progress, the PMO will continue to revisit original goals and objectives and make adjustments as appropriate.

#### **I. State-Based Administrative Complaint Procedures**

*A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402. -- HAVA §254 (a)(9)  
Deadline for Compliance: Prior to certification of State Plan, but no later than January 1, 2004; no waiver permitted.*

The State will develop and establish a State based administrative complaints program. The program will include provisions for alternative dispute resolution and appropriate remedy. Appropriate remedy must be in conformance with state elections law and will not include financial payments to complainants or civil penalties for election officials, even if it



is determined that a violation of Title III has occurred. Remedies may include written findings that a violation of Title III has occurred, strategies for insuring that the violation does not re-occur, and if it appears that the complaint is systemic, possible actions by the Office of Elections to eliminate or prevent future incidences.

Requirements funding will be used for the hearings requirement of this section.

## **J. Effect of Title I Payments**

*If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities. -- HAVA §254 (a)(10)*

To date, the State of Hawaii has received \$6,339,192.30 In Title I payments.

### **1. §101. Payments to States for activities to improve administration of elections.**

Hawaii is eligible for approximately \$5,000,000.00 under section 101. These funds will be used for activities to meet the following requirements:

- The State of Hawaii will establish a fund for the maintenance and repair of the voting and vote counting system.
- The State will also establish a fund to supplement the State's voter education efforts.
- Unspent federal funds will be set aside in the state Election Fund for payment of long-term costs of complying with HAVA.

### **2. §102. Replacement of punch card or lever voting machines.**

Hawaii is eligible for approximately \$1,339,192.30 under section 102, as calculated in the following chart. The State understands that there will be a pro rata reduction to the maximum payment amount based on the total national participation under this section. State legislation makes local jurisdictions eligible to receive 50% of any federal funds "received for improvements in voting systems and equipment" under certain circumstances.



## **K. Hawaii's HAVA State Plan Management**

*How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—*

- (A) *is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;*
- (B) *is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and*
- (C) *takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). -- HAVA §254 (a)(11)*

Sound and responsible management of the State Plan will be an essential component of the State election community's future success.

Due to the complexity of HAVA and the potential variety of projects it encompasses, State of Hawaii will establish an Election Reform Program Management Officer (PMO). The Election Reform PMO will conduct ongoing management of the State Plan, including project planning (for all HAVA-related and other election reform projects) and establishing and implementing program management standards (i.e. performance measures, review and approval processes, issue/risk management, etc.). The PMO will also be responsible for other election functions, including: budget and fiscal, personnel, and office support functions. In addition to a PMO, there will be established a position of an accounts clerk to assist the PMO with HAVA accounting requirements.

## **L. Changes to State Plan from Previous Fiscal Year**

*In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year. -- HAVA §254 (a) (12)*

This FY 2003 Plan is the State's inaugural plan under HAVA. This section will be updated in the FY 2004 Plan, reflecting changes to the Plan, as well as a summary of 2003 successes.





## **M. State Plan Development and Committee**

*A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section 255 and section 256. -- HAVA §254 (a)(13)*

The Plan development Committee consists of the Official Observers. On Election Day the Official Observers serve as the “eyes and ears” of the public to ensure the sanctity and integrity of the election process. The Official Observers have been an integral part of the election process for over 30 years. They represent the various political parties and various community organizations that have a interest in the integrity and fairness of the election process, i.e. Chamber Commerce of Hawaii, Alu Like, League of Women Voters, Common Cause, Hawaii State Bar Association, Hawaii State Teachers Association (HSTA), etc.

Additionally, this plan was drafted with input from the various County Clerks and their staff.

Phase I of the State Plan includes actions which will bring the state into compliance with Title III of HAVA.

Phase II of the State plan includes distribution of the preliminary state plan to the citizens of the State of Hawaii to receive input and feedback. The statements received will be used to develop program plans to address the following HAVA foci:

- Comply with federal election requirements under Title III of the act;
- Improve elections for federal offices;
- Develop a state plan for election improvements as provided in the act;
- Train election officials and poll workers;
- Improve the voting system;
- Increase voter participation;
- Improve accessibility of polling places, including providing access for the disabled; and





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- Improve voter fraud investigation.

Phase II is purposely left open ended to address changes and oversight in phase I compliance activities. Phase II also provides a mechanism to update the state plan and meet new needs.